

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAKOTA FLAGG,)	CASE NO. 1:13CV1350
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
DONALD MORGAN, Warden,)	
)	
RESPONDENT.)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. (Doc. No. 9.) Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. [. . .]

28 U.S.C. § 636(b)(1).

The R&R was filed on November 19, 2014. Under Fed.R.Civ.P. 6(d), an additional three days are added when computing service. Therefore, objections were not due until December 6, 2014, which fell on a Saturday. Under Rule 6(a)(1)(C), the deadline was extended to December 8, 2014.

No objections were filed on or before that deadline. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813

(6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and accepts the same. Accordingly, the Court concludes that the petition for writ of habeas corpus shall be denied and this case shall be dismissed in its entirety with prejudice. Further, the Court certifies that an appeal from this decision could not be taken in good faith and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: December 31, 2014



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE